

The intent of this document is to identify and delineate shortcomings or oversights that we feel were not fully considered during the initial evaluation of the proposed zoning change relative to C14-2008-0222. From federal air quality standards, to the City of Austin's own planning guidance documents, a number of items (listed below) appear to have been overlooked or not fully considered.

1. Corridor Planning
2. EPA Air Quality Standards
3. City Planners Participation in Numerous Studies of Pollutants
4. Know Dangers of Health and Safety of Mobile Point Source Pollution
5. Surrounding Land Changes
6. Additional Information on Zone Request

### **CORRIDOR PLANNING**

The City of Austin published guidelines for Corridor Planning clearly allowing Neighborhood Mixed Use that will increase pedestrian traffic, reduce average trip length, and add a better quality of life by adding the additional feature of access to services along a corridor. The City of Austin includes transportation planning with establishment of buffer zones between expanded roadways with appropriate land planning to protect residential areas. The treatment of our request has not been handled as other similar zoning request. We were not allowed the 15 day public notice, posting of signs full completion of review before going to the Council without the entire review process being completed.

The City's plan for Corridor Planning clearly points to stakeholders adjoining the street where the impact is greatest a relief from this harm. The decision of land use along William Cannon should be based on facts and development standards including scientific study of the extreme health consequences of the Air Pollution to our older homes. The extreme fear of change polarizes people to oppose any change and the guise of preserving the quality of life is used over and over to polarize communities to restrict future generations to pursue their own quality of life. If true SMART GROWTH is implemented in case C14-2008-0222 the zoning would be changed for a more appropriate use to further limit traffic trips and further enhance pedestrian traffic for our area as we have requested.

Our application was filed before the FLUM and East Oak Hill Neighborhood Plan was passed and the development process is required to follow the previous rules of development. Zoning regulations should be uniform for like cases with consideration for appropriate use of land and not different standards for different people.

### **EPA AIR QUALITY STANDARDS**

The zone request for C14-2008-0222 needs to address numerous issues with Zoning RR. Starting back when the City of Austin requested studies on the extension of W. William Cannon from West Gate to Hwy. 290 Federal Funds were involved starting with the consulting on the expansion which made this project fall under the EPA Clean Air Act. At that time the stakeholders were told 800 cars an hour would be the maximum for this stretch of roadway. Upon

The City of Austin has received numerous studies on the danger of living on the down wind side of major traffic routes and planning principals to protect the residential families further away from the point of emission.

The list of pollutants is too extensive to include but is in all literature now in the City of Austin's Planning Department's possession and the planning department files. The Roadway Air Dispersion Model has been refined over the years but in no case has it ever said that living this close to 37,000 automobiles with projections of 60,000 is safe for anyone especially children and the elderly. Three of the 6 homes in this request are now only feet from this known danger. The quality of construction of 40 to 50 year old homes leaves even further danger from the particulate matter emissions.

### **KNOWN DANGERS AND THREATS TO HEALTH**

The most fundamental principal is we should be absent a material threat to our health from where we live due to the annexation and then the development of William Cannon. The rights of present residents not affected by the roadway should not supersede the rights of families so devastated by the changes to our land forever making our older homes unsuitable both from Air pollutants from auto emissions and Noise Pollution from the high volume of traffic. No environmental study was ever done to address the neighborhood plan resulting in the health and safety hazard to our homes in this FLUM or East Oak Hill Neighborhood Plan.

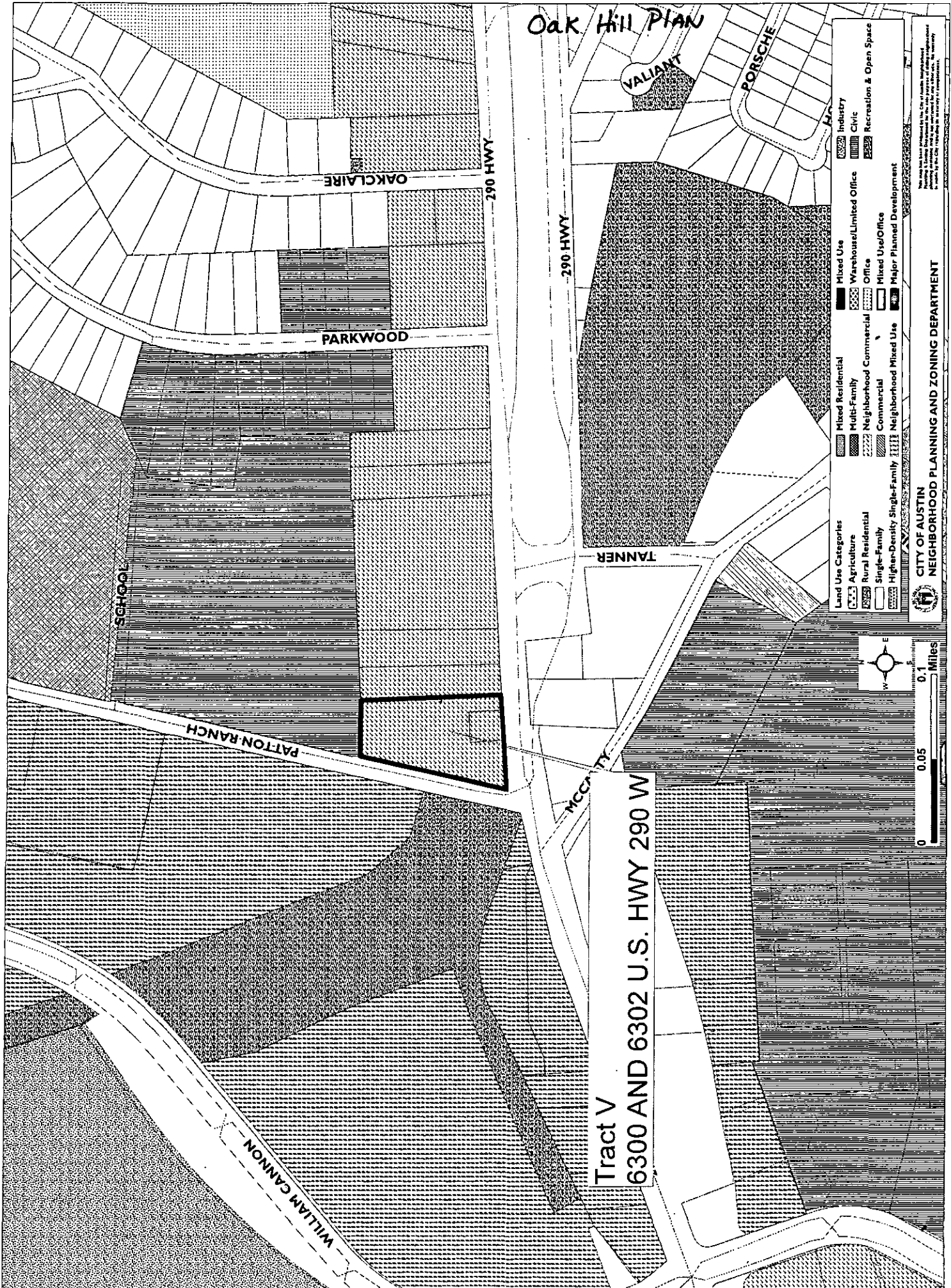
We are aggrieved by the total lack of response to our situation by applying a different standard of review to this request. The property was purchased by 3 of the 6 land owners over 50 years ago and all surrounding land was pasture surrounded by only 100 families living in Oak Hill. The building of William Cannon further changed our land. Now we are completely surrounded by higher density and higher zoning than we request. The FLUM constitutes an unreasonable and direct physical harm to our health and enjoyment of our property. We were annexed full purpose and now the City is applying standards to limit our ability to zone for a more reasonable use. The similar nature of our situation compared to all other past land request is historic in nature by applying a spot zoning to limit our use. We feel the arbitrary, capricious and unreasonable treatment to this limited parcel of land deviates from the standard used in all other similar cases.

### **SURROUNDING LAND CHANGES**

Using standards that the development board used in all similar cases the request we ask for is documented that the issue of surrounding area changes and roadway type was a compelling reason for change in every case. I can provide you with hundreds of cases but you already have access to these files and the explanation from your department to the zoning changes made in like situations. We can not find another Rural Residential Area in Austin meeting all the standards of development that we meet, not already changed, and that includes not just 6 lane MAD but land along 4 lane arterial roadways also. We are deprived of the safety and health in our homesteads as it is now zoned yet change of zoning was

- REQUEST IS REASONABLE AND CONSISTANT WITH INCREASED POPULATION DENSITY AND PROJECTED GROWTH
- MEETS STANDARDS FOR PROTECTION OF THE AQUIFER AND ALL WATER PROTECTION ISSUES
- INCREASED TAX BASE FOR CITY
- ELIMINATES SEPTIC SYSTEMS STILL IN USE IN SOME HOMES
- NOT REQUESTING MORE DENSITY THAT SOS ALLOWS
- INCREASES NEIGHBORHOOD SERVICES
- CURRENT LAND USE IS NOT APPROPRIATE
- INCREASE EMPLOYMENT IN THIS UNCERTAIN TIME FOR ECONOMIC DEVELOPMENT
- THE WELL DOCUMENTED HEALTH DAMAGE FROM NEAR ROADWAY VEHICLE EMISSIONS FOR RESIDENTIAL USE
- ALL PLANNING PRINCIPLES SUGGEST A MORE SUTIBLE USE FOR THE BUFFER ALONG A MAJOR ROADWAY
- UNIFORM FOR ZONING THROUGHOUT THE CITY
- RESOLVE THE DETERORATION OF QUALITY OF LIFE FOR FAMILIES ON WILLIAM CANNON AND PROVIDE AN ACCEPTABLE STANDARD OF GROWTH TO ADDRESS THE AIR QUALITY STANDARDS ACCEPTABLE TO ADJACENT ROADWAYS

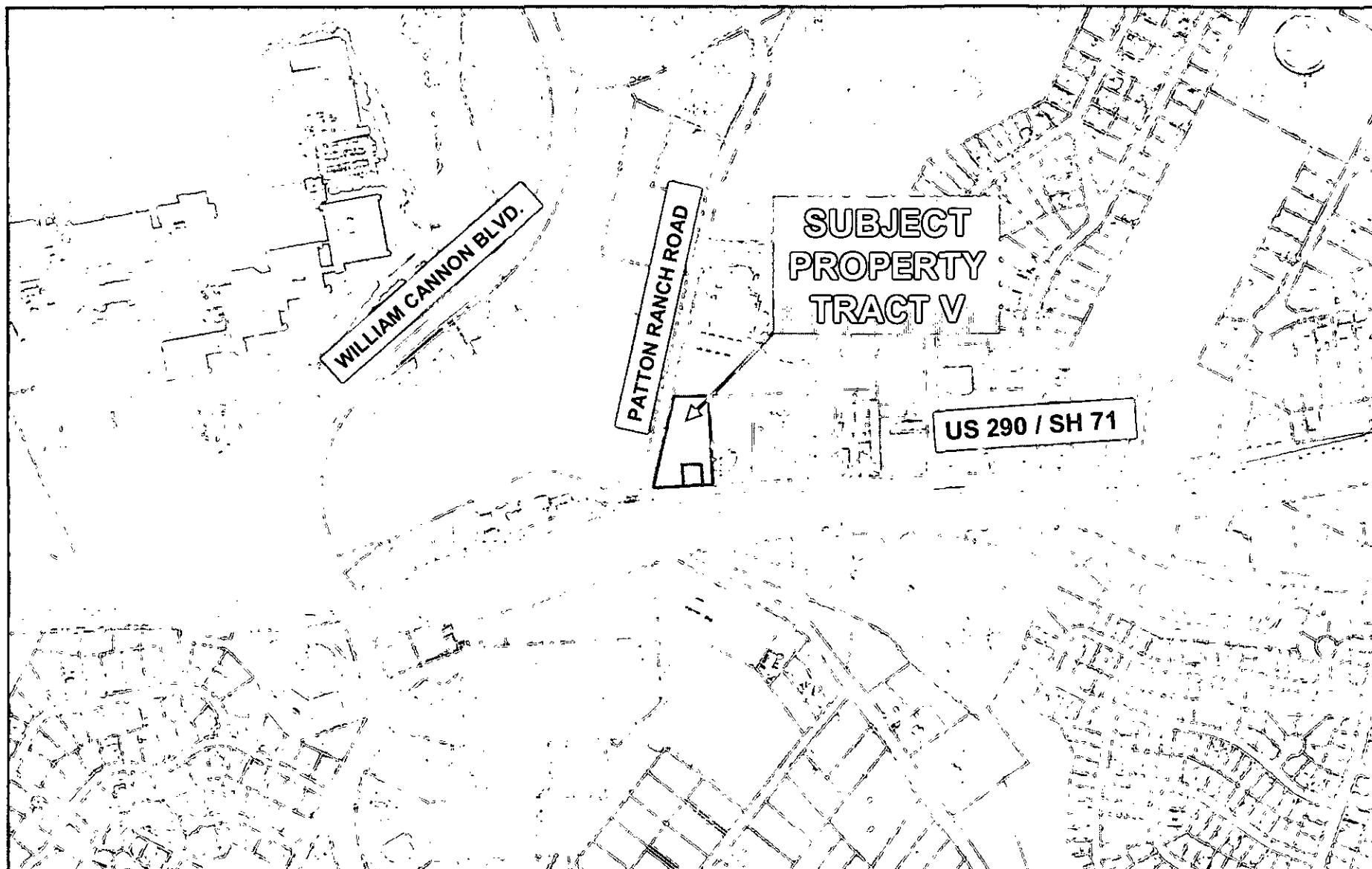
# Oak Hill Plan



Tract V  
6300 AND 6302 U.S. HWY 290 W

CITY OF AUSTIN  
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT

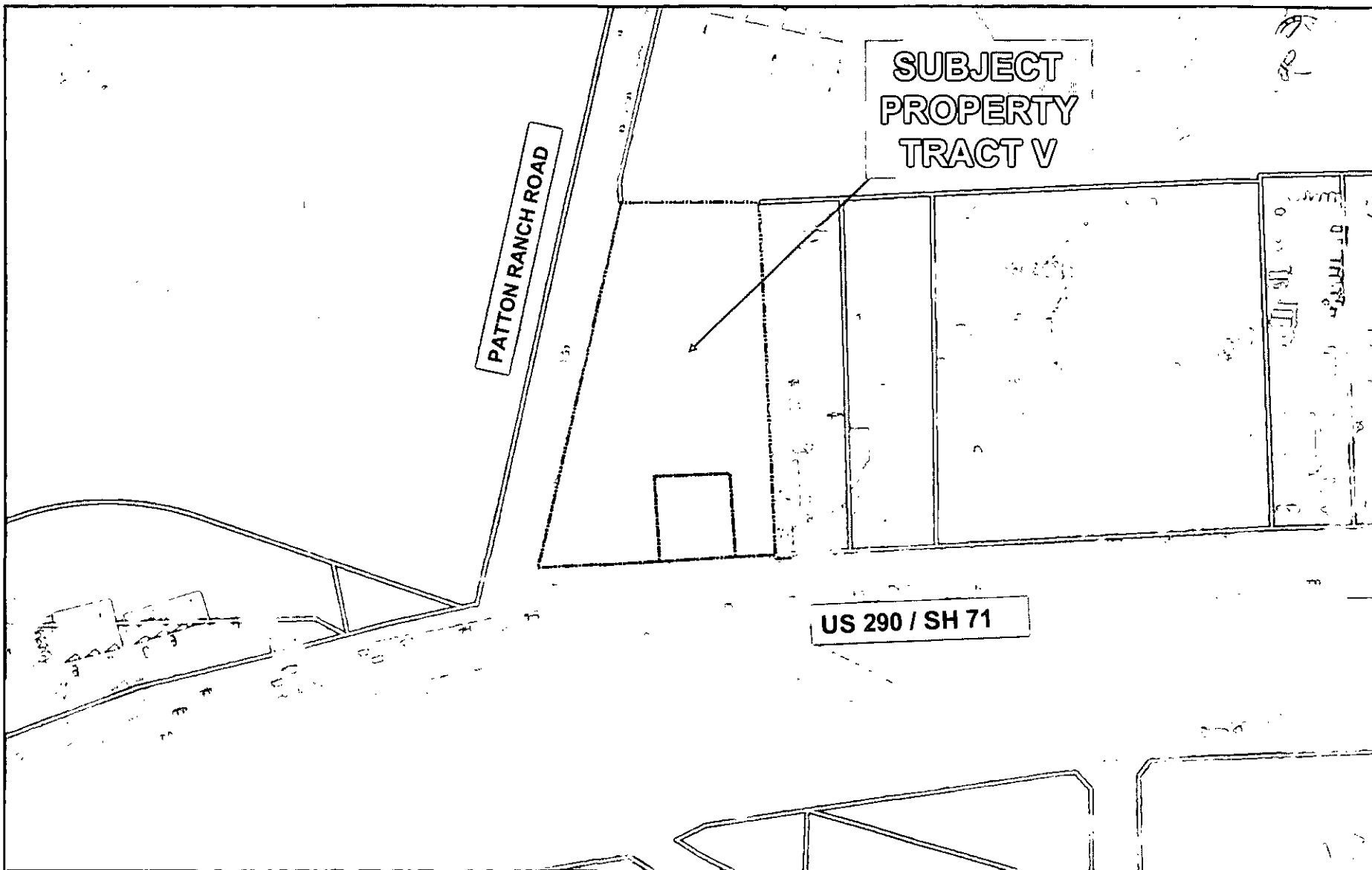
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6300 - 6302 US 290 WEST REZONING

C14-2008-0152

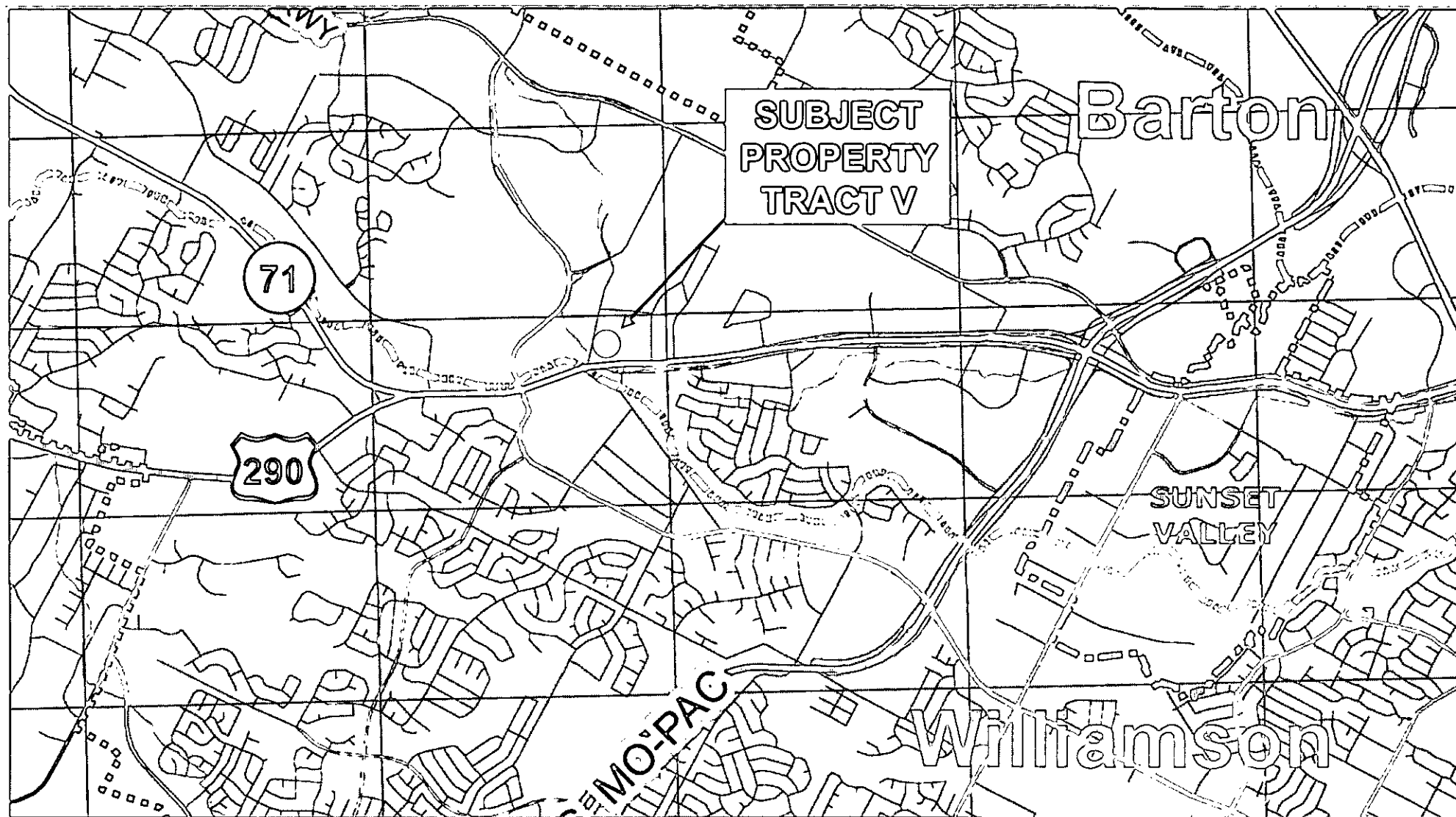
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6300 - 6302 US 290 WEST REZONING

C14-2008-0152

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CITY OF AUSTIN WATERSHED MAP

SUBJECT PROPERTY IS LOCATED IN BARTON CREEK WATERSHED